

104TH CONGRESS  
1ST SESSION

# H. R. 1032

To reaffirm the Federal Government's commitment to electric consumers and environmental protection by reaffirming the requirement of the Nuclear Waste Policy Act of 1982 that the Secretary of Energy provide for the safe disposal of spent nuclear fuel beginning not later than January 31, 1998, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1995

Mr. GUTKNECHT (for himself, Mr. RAMSTAD, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To reaffirm the Federal Government's commitment to electric consumers and environmental protection by reaffirming the requirement of the Nuclear Waste Policy Act of 1982 that the Secretary of Energy provide for the safe disposal of spent nuclear fuel beginning not later than January 31, 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Electric Consumers  
5 and Environmental Protection Act of 1995".

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the generation of electricity by nuclear reac-  
4 tors results in the production of spent nuclear fuel;

5 (2) about 24,000 metric tons of spent nuclear  
6 fuel have been produced by the Nation's operating  
7 nuclear power plants, and an additional 50,000 met-  
8 ric tons of spent nuclear fuel is expected to be pro-  
9 duced during the terms of their current licenses;

10 (3) the vast majority of commercial spent nu-  
11 clear fuel is currently stored in individual water-  
12 filled pools at reactor sites throughout the Nation;

13 (4) the storage pools for the temporary storage  
14 of spent nuclear fuel are nearing capacity at many  
15 of the reactor sites;

16 (5) since the beginning of the commercial nu-  
17 clear power industry in the 1960's, the Federal Gov-  
18 ernment has had the responsibility to provide for the  
19 disposal of commercial spent nuclear fuel;

20 (6) Congress enacted the Nuclear Waste Policy  
21 Act of 1982 (42 U.S.C. 10101 et seq.) in order to  
22 codify the Federal responsibility and policy to pro-  
23 vide for the safe and timely disposal of spent nuclear  
24 fuel by establishing a schedule for the siting, con-  
25 struction, and operation of deep geologic reposi-  
26 tories, assigning the responsibility for implementa-

1       tion of the program to the Department of Energy,  
2       and establishing the Nuclear Waste Fund to cover  
3       the costs of the Federal disposal program to be paid  
4       by utility ratepayers and owners;

5           (7) since the enactment of the Nuclear Waste  
6       Policy Act of 1982, utility ratepayers and owners  
7       have paid more than \$10,000,000,000 into the Nu-  
8       clear Waste Fund;

9           (8) under the schedule established in the Nu-  
10      clear Waste Policy Act of 1982, the Department of  
11      Energy, in return for the payment of the fees by  
12      utility ratepayers and owners, is directed to dispose  
13      of spent nuclear fuel beginning not later than Janu-  
14      ary 31, 1998;

15          (9) despite the 13 years that have passed since  
16      the enactment of the Nuclear Waste Policy Act of  
17      1982 and the expenditure of over \$3,800,000,000,  
18      the Department of Energy has fallen behind sched-  
19      ule, and the projected date for commencement of op-  
20      eration of a repository, under optimistic assump-  
21      tions, is 2010;

22          (10) the Nuclear Waste Policy Act of 1982 cur-  
23      rently prohibits the selection of a site for a mon-  
24      itored retrievable storage facility until a site for a  
25      permanent repository has been selected; and

1 (11) the Department of Energy, under the Nu-  
2 clear Waste Policy Act of 1982, has an absolute obli-  
3 gation to accept spent nuclear fuel beginning not  
4 later than January 31, 1998.

5 (b) PURPOSES.—The purposes of this Act are—

6 (1) to ensure that the Department of Energy  
7 fulfills its responsibility to site, construct, and oper-  
8 ate temporary and permanent nuclear waste disposal  
9 facilities in a safe and timely manner; and

10 (2) to reaffirm the obligation of the Secretary  
11 of Energy under the Nuclear Waste Policy Act of  
12 1982 to provide for the safe disposal of spent nu-  
13 clear fuel beginning not later than January 31,  
14 1998.

15 **SEC. 3. REAFFIRMATION OF OBLIGATION OF SECRETARY**  
16 **OF ENERGY.**

17 Section 302(a) of the Nuclear Waste Policy Act of  
18 1982 (42 U.S.C. 10222(a)) is amended by adding at the  
19 end the following new paragraph:

20 “(7) The obligation of the Secretary under paragraph  
21 (5) to accept high-level radioactive waste and spent nu-  
22 clear fuel beginning not later than January 31, 1998, is  
23 absolute and is not dependent on the commencement of  
24 operation of a repository or a monitored retrievable stor-

1 age facility. That obligation shall not be voided or delayed  
2 for any reason.”.

3 **SEC. 4. SITING OF MONITORED RETRIEVABLE STORAGE**  
4 **FACILITY.**

5 (a) REPEAL OF SITE SELECTION LIMITATION.—Sec-  
6 tion 145 of the Nuclear Waste Policy Act of 1982 (42  
7 U.S.C. 10165) is amended by striking subsection (b).

8 (b) REPEAL OF LICENSING CONDITIONS.—Section  
9 148 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
10 10168) is amended by striking subsection (d).

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